THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.13062 of 2007

Dated: 11-10-2007

Between:

Yelavarthi Seshagiri Rao.

..... PETITIONER

AND

The District Collector, Krishna District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.13062 of 2007

ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings No.B1/RP/01/2007 dated 05.06.2007 issued by first respondent as illegal and arbitrary.

This Court on 25.06.2007 issued Rule Nisi and also granted interim stay in W.P.M.P.No.16317 of 2007.

W.V.M.P.No.2059 of 2007 is filed by fourth respondent.

Several facts had been narrated in the affidavit accompanying the writ petition. Specific stand had been taken that first respondent had allowed the revision petition on an erroneous view of law and fact and several facts in this regard had been narrated. It is specifically stated that admittedly by the date of hearing on 07.05.2007 notice had not been served on the petitioner and notice was served only on 10.05.2007 and hence, he could not appear before first respondent on the date of hearing. It is not in serious controversy that a revision cannot be allowed without giving opportunity to other side. In view of the same, the impugned order dated 05.06.2007 is hereby set aside and the matter is remitted to first respondent to give opportunity to both the parties and decide the same in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

Accordingly the writ petition is allowed to the extent indicated above. No order as to costs.

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(**P.S.NARAYANA**)

08th October, 2007
ghn